



**State of New Hampshire**

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

**NEW HAMPSHIRE TROOPERS  
ASSOCIATION**

**Petitioner**

**and**

**NEW HAMPSHIRE DEPARTMENT OF  
SAFETY, DIVISION OF STATE POLICE**

**Respondent**

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**CASE NO. P-0754:8**

**DECISION NO. 2000-057**

**PRE-HEARING CONFERENCE MEMORANDUM AND ORDER**

**BACKGROUND**

The New Hampshire Troopers Association (Association), filed unfair labor practice charges on April 28, 2000 pursuant to RSA 273-A:5 I (d), and (h), alleging that the NH Department of Safety/Division of State Police (State) and its agents breached the Collective Bargaining Agreement (CBA) by not adhering to specific promotion criteria and practicing discriminatory conduct in applying specific promotion criteria and in processing a Trooper's grievance.

The State generally denies all allegations of fact contained in the Association's complaint. It then asks the PELRB to dismiss the complaint through the incorporation of a "Motion to Dismiss" in its Answer. As the State provides no detailed objection in its answer to the Association's three (3) count complaint, its position on the merits of the complaint cannot be discerned at this time. The State's reasoning for requesting dismissal of the complaint rests, for the most part on the assertion that the Association failed to exhaust its administrative remedies.

**PARTICIPATING REPRESENTATIVES**

For the Complainant: James W. Donchess, Esquire

For the Respondent: Thomas F. Manning, Director of Personnel, State of New Hampshire

**ORDER**

Following discussion between the parties' representatives present at the Pre-Hearing Conference and discussion with the Hearings Officer, the parties have stipulated as follows:

The parties agree that if the Personnel Appeals Board issues a decision on the merits without an evidentiary hearing on Trooper Conley's appeal before the Personnel Appeal Board, that decision by the Personnel Appeal Board constitutes the exhaustion of administrative remedies.

In light of that stipulation and the parties' acknowledgement that there is a present proceeding before the Personnel Appeal Board, it is further ordered that:

1. The matters presently pending before the PELRB, being the Association's complaint and the State's Motion to Dismiss, shall be held in abeyance until Monday August 14, 2000 at 4:00 PM.
2. During the intervening period of time, if mutual resolution is otherwise reached between the parties, the parties shall submit a jointly signed document indicating that no further action is required of the PELRB.
3. On or before that date and time either party may request that this matter be scheduled for further action by the PELRB.
4. In the event that no request is received from either party before August 14, 2000 at 4:00 PM, this complaint and all pending motions shall be administratively dismissed, without prejudice, and the matter removed from the PELRB docket.

So ordered.

Signed this 28<sup>th</sup> day of June, 2000.



Donald E. Mitchell, Esq.  
Hearings Officer